

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 405

Case No. 82-14C

(Sumner School Project)

July 18, 1983

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on May 9, 12 & 23, 1983. At those hearing sessions, the Zoning Commission considered an application from the D.C. Department of General Services, the D.C. Board of Education, Vernon L. Frederick, Judith & Nathan Halpert, Mala & Fred Berman, and the Baltimore Orioles, Inc. for consolidated review and approval of a Planned Unit Development (PUD) pursuant to Section 7501 of the Zoning Regulations of the District of Columbia. The application also requested a related change of zoning, pursuant to Section 9101 of the Regulations. The hearing was conducted in accordance with the provisions of chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application requested consolidated review and approval of a PUD and related Map Amendment from SP-2 to C-4 for lots 800, 803, 804, 821, and 21 in Square 182. The applicants propose to construct a development which includes the rehabilitation and modernization of the Sumner School Building, the reconstruction of the Magruder School Building, a new nine story/one hundred foot high office building with ground level retail uses and underground parking to accomodate 148 cars.
2. The subject square is bounded by Rhode Island Avenue, and 16th, 17th and M Streets, N.W. The PUD site is located on the north side of the 1600 block of M Street and the east side of the 1200 block of 17th Street, and is approximately 45,880 square feet in area.
3. The site is located in Square 182, southwest of Scott Circle and is surrounded by streets and alleys on all sides: M Street to the south, 17th Street to the west, and public alleys to the east and north.
4. The site contains a total of five lots. Two lots

(803 and 804) owned by the District of Columbia contain the Sumner and Magruder School Buildings. Lot 21 is developed with a one story structure occupied by a delicatessen and liquor store. Lot 821 contains a small two story structure used for a machinist shop. Lot 800 is being used for parking adjacent to the delicatessen.

5. The portion of Square 182 adjoining the site facing 16th Street is developed with the eight story Jefferson Hotel and several four to five story buildings used for non-profit professional offices. The frontage of this square on Rhode Island Avenue is developed with the B'nai Brith Building, Grammercy Inn and an SP type office building. Across M Street from the site is the ten story National Geographic Building and its new addition which is under constructions. Across 17th Street is an eight story office building.
6. The SP-2 District permits as a matter-of-right medium/high density development including all kinds of residential uses with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the Board of Zoning Adjustment (BZA) the maximum height is ninety feet, the maximum floor area ratio (FAR) is 6.0 for residential and 3.5 for other permitted uses, and the maximum lot occupancy is eighty percent for residential uses.
7. The C-4 District is the downtown core comprising the retail and office centers for both the District of Columbia and the metropolitan area, and allows office, retail, housing and mixed uses to a maximum height of 110 or 130 feet, and a maximum FAR of 8.5 or 10.0, with the maximum height and FAR dependant upon the width of adjoining streets.
8. The applicant proposes to construct a development containing 256,209 square feet which would include the restoration of Sumner School, the demolition and reconstruction of the Magruder School and the construction of a new one-hundred foot high office building with retail use on the first floor. The office building would parallel the twenty-foot wide east-west alley at the rear and the ten-foot wide north-south alley to the east. The ten-foot alley would be widened by easement to fifteen feet to provide adequate access to loading berths located at the side and the rear of the building.
9. Three loading berths will be provided, one thirty foot deep berth and one forty-five foot deep berth which are accessible from the north-south alley on the eastern

boundary of the site, and one twenty foot deep berth on the northwest portion of the new office structure accessible from either of two alleys off of Rhode Island Avenue. The loading area provides enough area to allow full length trucks up to forty-five feet to be fully accomodated on site exclusive of the easement.

10. The proposed development will have a two-level underground parking garage with 145 spaces, fifty-one spaces for full-sized cars, ninety-one spaces for compact-sized cars plus three service delivery spaces. The parking garage and messenger/service vehicle entrance is to be located on M Street.
11. Abutting the north end of the existing Sumner School Building and facing 17th Street a Sumner School Annex will be constructed which will join in the rear with the northern wing of the L shaped high rise office building.
12. There will be a court on either side of the Magruder School Building and an atrium in the rear. The height of the Sumner and Magruder Schools will be 75.62 and 54.58 feet, respectively.
13. The annex to Sumner School will match the height of the main Sumner School Building. The height of the high-rise portion of the building complex is proposed to be 100.0 feet plus an 18.5 foot penthouse. The total FAR of the project is 5.58 with a lot occupancy of eighty-five percent.
14. In May of 1981, the District of Columbia issued a request for proposals for the rehabilitation of the Sumner School and leasing of lots 803 and 804. Proposals were reviewed by a panel consisting of Board of Education and District representatives which selected, out of five proposals submitted, the proposal of 17M Associates.
15. 17M Associates is a District of Columbia limited partnership. The general partner, an affiliate of Boston Properties, is a real estate development company which has a seventy percent interest in the partnership. The limited partners are First City Properties, a minority real estate development company which has a twenty-five percent interest and the Metropolitan AME Church, which has a five percent interest.
16. The 17M Associates propose to purchase lots 21,800 and 821 from the present private property owners and transfer title to all three parcels, except for a small five-foot wide strip of land on the east side of lots

821 and 800 adjoining the north-south alley on the eastern boundary of the site to the District at no cost.

17. The 17M Associates propose to grant an easement to the District over the five foot strip of land so as to widen this alley from ten to fifteen feet. The 17M Associates will pave the new portion of the alley.
18. Presently the Sumner and Magruder Schools are not in use and are in a state of disrepair. They are surrounded by a substantial amount of vacant land owned by the District. It is proposed that the buildings containing the M Street Delly and Courier Systems Inc. be demolished.
19. A service tower connected to the Sumner School Building which contains toilet facilities will also be demolished. This portion has no historical significance.
20. The 17M Associates will own all of the improvements upon their completion except the Sumner School. The 17M Associates will be responsible for all maintenance, site lighting, landscaping, repairs, trash collection and snow removal for the entire project, including the Sumner School.
21. In the case of Sumner School maintenance, however, 17M Associates will be reimbursed in the form of rent credits for all maintenance and other services performed.
22. The applicant proposes to allow the use of the Sumner School by the D.C. Board of Education for educational, library, museum, archives and community purposes.
23. The new construction to the north and east of the Magruder School, the Sumner Annex, and the reconstructed portion of the Magruder School will be used for commercial office space and a small amount of retail space.
24. Of the 256,208.83 square feet of gross floor area, there will be 202,093.98 square feet of new construction, 14,920.64 square feet in the Magruder School, and 16,624.96 square feet in the Sumner Annex and 26,076.54 square feet in the Sumner School. Of the total gross floor area, 243,649.91 square feet will be for office space and school board use and 12,558.92 square feet will be for retail space.
25. Pedestrian access to the project is provided through eleven entrances, one retail entrance on M Street adjacent to the parking entrance, three retail

entrances from the eastern courtyard, one main building entrance from each courtyard, and four entrances to the Sumner School, one of which is an entrance for handicapped persons.

26. The project will be developed in one stage over a period of approximately two years.
27. 17M Associates by testimony given at the public hearing indicated that the proposed planned unit development is consistent with the District of Columbia Comprehensive Plan Goals and Policies Act of 1978 D.C. Law 2-134 ("Goals and Policies Act").

More specifically:

- a. The PUD is located near existing Metrorail stations and air quality will be greatly improved by resulting auto-trip reduction.
 - b. The project is also located in close proximity to established shopping and eating facilities which promotes walking and biking trips.
 - c. The proposed development will fully conform to District standards for water conservation. Water quality will not be adversely impacted by the project.
 - d. There will be no increased stormwater runoff from the project and solid waste will be collected regularly from covered receptacles during daylight hours at no cost to the city.
 - e. The project has been designed so that no proposed uses will be inherently noise generating.
 - f. The buildings will be in total compliance with the D.C. Energy Code.
 - g. The landscape plan for the project promotes the protection and enhancement of the site's natural features.
 - h. The building is designed to be compatible with the existing heights and types of buildings along M Street and 17th Street.
28. The project will provide amenities in the form of the restoration and preservation of two historic landmarks - Sumner and Magruder Schools with the D.C. Board of Education occupying the entire Sumner School building for office, museum, research, library, educational and related uses.

29. The District Government will receive ground lease rent payments over the eighty to eighty-five year term of the lease. The District will also share in the gross revenues generated by the commercial portions of the project under the developer's control. At either the beginning of the lease term or the end of the lease term, the District will receive title to the three parcels adjacent to the Magruder School site which are currently valued in excess of three million dollars. The District will also receive title to the improvements at the end of the lease terms, although it has reserved the option of requiring the developer to demolish all of the improvements.
30. The 17M Associates will pay the Metropolitan AME Church enough to service its mortgage payments commencing with the start of construction on the project.
31. Other amenities of the project include: a landscape plan which will promote the protection as well as the enhancement of the site's natural features, a private security system, and two large well-lit courtyards with benches.
32. The D.C. Office of Planning (OP), by memoranda received in the office of the Zoning Secretariat February 4, 1983 and April 23, 1983 and by testimony presented at the public hearing, recommended approval of the PUD and related map change from SP-2 to C-4 subject to proposed development conditions. The OP believed that the proposed development achieves the objective of historic preservation while enhancing the economic viability of the subject square. Also, the proposed increase in height from the existing SP-2 height limit is minimal, particularly when considered in the context that it would be recessed above the ninety foot height, which is the height limit of the existing zoning. The proposed development not only preserves a landmark building but also provides an appropriate setting for it. The OP further believed that the City will secure economic benefits from the project in the form of tax revenues, ground rents, use of Sumner School premises, job creation, and ultimate ownership of the property. The Commission concurs with the recommendation of the Office of Planning.
33. The D.C. Department of Transportation (DCDOT) by memorandum to OP dated April 28, 1983 reported that the proposed project will provide adequate parking and loading facilities and no measurable adverse impact will be imposed by this development on the surrounding street system. The Commission concurs with the findings of the DCDOT.

34. The Department of Environmental Services (DCDES) by memorandum dated April 15, 1983 reported that it had no objections to the proposed development.
35. The D.C. Fire Department (DCFD) by memorandum dated April 26, 1983 had no objection in general to the type of development and map change but did note that requirements for an atrium building are not addressed in the District of Columbia Codes at this time and it contains many features that, if not properly addressed could adversely impact on the overall fire safety performance of the structure. The DCFD also indicated the necessity for the developers to maintain close coordination with the Fire Marshall to assure that all of the features necessary for a fire safe structure are provided. The Commission so finds.
36. Carol B. Thompson, State Historic Preservation Officer by memorandum dated April 25, 1983 reported that the proposal retains and enhances the landmark building while integrating it into its larger urban context. The Commission concurs with the findings of the State Historic Preservation Officer.
37. This project has been approved in concept by the Joint Committee on Landmarks including design modifications showing the revised design of the top portion and penthouse.
38. Dupont Circle Advisory Neighborhood Commission (ANC) 2B in a report dated April 25, 1983, voted to support the project if the applicant would not request a change of zoning from SP-2 to C-4. The majority of ANC Commissioners agreed such a change would be a drastic and unnecessary revision of the zoning map, especially since the proposed FAR is below the SP parameters. George Marshall testified to these concerns on behalf of ANC 2B at the public hearing.
39. Raymond T. McElligott, Jr., Vice-President of the National Geographic Society, by letter dated April 27, 1983, supported the project because this project would:
 - a. Arrest the physical decline in close proximity to the National Geographic headquarters, as the Sumner and Magruder schools have been vacant for several years;
 - b. Add new commercial office space and other commercial development which would enhance the area, while preserving its historic quality at the same time; and,

- c. provide a substantial additional anchor to the ongoing and future attractiveness of this area of the District of Columbia.
- 40. Rabbi Joel Meyers, Associate Director of B'nai Brith International by letter dated May 9, 1983, stated opposition to the project. However, a subsequent letter dated April 25, 1983, indicated that its concerns had been resolved and the B'nai Brith organization did not plan to appear in opposition to the project.
 - 41. Charles J. Robertson, President of the Dupont Circle Conservancy, by letter dated May 9, 1983, indicated that the Conservancy was in support of this project because of:
 - a. the outstanding merit of the project with respect to its benefits for historic preservation;
 - b. the sensitive interrelationship of the new buildings with the old; and
 - c. the compatibility of the project with the existing architectural fabric of the neighborhood.
 - 42. Mayor Marion Barry, Jr., by letter dated May 3, 1983 wrote in full support of the project and stated " ... the Sumner Project is a splendid example of the kind of creative, dynamic solution we can develop when the District Government, highly motivated citizens and the private sector join forces to accomplish a worthy goal such as saving and returning to active and safe public use the Sumner School for yet another century of service to the Citizens of this City."
 - 43. Dwight S. Cropp, Secretary to the District of Columbia, by testimony presented at the public hearing represented the Mayor and spoke in support of the project. He specifically highlighted the project's consistency with the Comprehensive Plan Goals and Policies Act of 1978, D.C. Law 2-134, its close proximity to public transportation and the land rent, tax receipts and other revenues to be annually generated by the project.
 - 44. Eugene Kinlow, At-Large-Member of the D.C. Board of Education and Chairman of the Committee on Buildings and Grounds, by testimony presented at the public hearing traced the process that the Board of Education underwent to ensure the satisfactory rehabilitation of

the Sumner-Magruder School site and endorsed the project without reservation.

45. D.C. Councilmember-at-Large Hilda Mason traced her long involvement with this project and read into the record a resolution first presented on January 18, 1977, which supported the project.
46. Floretta Dukes McKenzie, D.C. Superintendant of Schools by letter dated April 27, 1983 wrote in support of the project.
47. Richard L. Hurlburt, Regulations Officer and Historian/Archivist for the District of Columbia Public Schools gave an historical overview of Sumner School and the reasons why 17M Associates was chosen as project developer. He spoke in support of the project.
48. Donald L. Croll, Chief of the Real Estate Division, Bureau of Buildings Management testified about the specifics concerning the negotiation and finalizing of the lease documents related to this transaction.
49. Alaire Rieffel, former Ward 2 representative to the D.C. Board of Education traced her involvement with the project during her tenure as D.C. Board of Education member and spoke in support of the project.
50. R. David Hall, current Ward 2 representative to the D.C. Board of Education submitted testimony in support of the project dated May 23, 1983, which also spoke to the history of the project.
51. John Bartholf, representing the National Rifle Association (NRA) by testimony presented at the public hearing and by written statement objected to various aspects of the proposal. The NRA was opposed to the requested rezoning from SP-2 to C-4. It was also concerned about the closing of the alley system, even if temporarily, during the construction period for the project and recommended strong penalties for any blockages which may occur. The NRA was further concerned about inadequate parking and traffic congestion.
52. Mary Bergman, Commissioner from ANC Single Member District 2B-08, submitted a statement and voiced opposition to the proposal because of the proposed height, the nature of the planned renovation including the removal of the back of Magruder School and the need for affordable rental housing in an area already innundated with offices.
53. Harriet B. Hubbard testified against the proposal. Ms.

Hubbard felt that a more effective use of the property could be made by allowing either housing or a public school to locate there.

54. Richard Turner of the Dupont Circle Citizen's Association (DCCA) stated that his organization opposed the application because the zoning should not be changed from SP to C-4. Also, more housing should be developed within the boundaries of the association.
55. As to the concerns of Dupont Circle ANC 2B, the Dupont Circle Citizen's Association and the National Rifle Associations's opposition to the rezoning of the subject property from SP-2 to C-4 the Commission finds as follows:
 - a. The intended use of the subject property is more characteristic of commercial rather than SP type development. The C-4 District would permit the proposed one-hundred foot high building devoted to general office use with ground floor retail uses and an FAR of 5.58. The SP-2 District has a ninety foot height limitation and a maximum 3.5 FAR for office uses. Those offices would be limited to non-profit organizations, labor unions and professionals. Ground floor retail use is prohibited in SP Districts. This project can best be achieved in the C-4 District.
 - b. This zoning would be a consistent and logical extension of the zoning in the immediate area, since the area which abuts the project to the south on M Street N.W. is zoned C-4.
 - c. The project is controlled by a binding PUD covenant which guarantees a more efficient use of the land, better design and sounder planning than matter-of-right development would achieve.
56. As to the concerns of the D.C. Fire Department (DCFD) the Commission finds that these concerns will be addressed in the permit process as administered by the District of Columbia Department of Consumer and Regulatory Affairs.
57. As to the remaining concerns of the National Rifle Association (NRA) relative to the blockages and or closing of the alley system in Square 182 and increased traffic and congestion in the immediate area surrounding its premises, the Commission finds that the applicant has taken reasonable measures to prevent either circumstance from occurring. The applicant has effectively widened the existing alley from a width of ten to fifteen feet. The Commission will provide that

all municipal codes and ordinances that apply to the publicly owned portion of the alley shall also apply to the portion of the alley which is provided by easement. Also, the DCDOT has deemed the proposed 145 parking spaces as adequate to meet parking demands. The Commission so finds.

58. As to the concerns of Mary Bergman, ANC Commissioner from Single Member District 2B-08, Richard Turner of the DCCA and Harriet Hubbard relative to the highest and best use of the property, both the Office of Planning and questions posed by the Commissioners at the public hearing explored the possibility of utilizing the site for residential use. Through testimony and the submission of documents to the record such as the "Sumner School Project Commercial Office/Residential Comparison Sheet," which is a part of the Final OP Report, the applicant has satisfactorily demonstrated to the Commission that, given the historic renovation and reconstruction, residential or school use would not be a reasonable use of the property.
59. As to the concerns of Mary Bergman relative to the height of the proposed project and the nature of the renovation including the removal of the back of the Magruder School, the Commission finds that the design of this project is totally compatible with the existing surrounding neighborhood scale and every measure is being taken by the applicant to replicate these historic structures as authentically as possible through the use of advanced architectural restoration techniques. The removal of the back of the Magruder School is necessary to allow for the necessary bulk needed by the L shaped office building to the rear of Magruder.
60. The proposed action was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC reported that the planned unit development and rezoning from SP-2 to C-4 subject to the guidelines, conditions and standards proposed by the Zoning Commission at its public meeting held June 20, 1983, would not adversely affect the Federal Establishment and other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate

means of controlling development of the subject site since control of the use and site plan is essential to ensure appropriate development of the site and compatibility of the neighborhood.

2. The development of this PUD carries out the purposes of Article 75 to encourage the development of a well planned office development which will offer more attractive and efficient overall planning and design without sacrificing creative and imaginative planning.
3. Approval of this consolidated Planned Unit Development application is appropriate because the application is generally consistent with the present character of the area and would preserve one historically significant building and would reconstruct at the same scale and design a second building.
4. The application can be approved with conditions which would ensure that the development would not have an adverse impact on the site or the surrounding community.
5. The Commission takes note of the position of Advisory Neighborhood Commission 2B and in its decision has accorded to the ANC the "great weight" to which it is entitled.
6. The approval of the application would promote orderly development in conformity with the entire District of Columbia Zone Plan, as embodied in the Zoning Regulations and Maps of the District of Columbia.
7. The development is consistent with the District of Columbia Goals and Policies Act of 1978, which is the first local element of the Comprehensive Plan for the National Capital under the Self-Government and Governmental Reorganization Act.

DECISION

In consideration of the Findings of Fact and the Conclusions of Law herein, the Commission hereby orders APPROVAL of the Consolidated Planned Unit Development for lots 800, 803, 804, 821 and 21 in Square 182 and related map amendment from SP-2 to C-4 for lots 800, 803, 804, 821 and 21 all in Square 182 at Rhode Island Avenue, and 16th, 17th and M Streets, N.W., subject to the following conditions, guidelines and standards:

1. The Planned Unit development shall be developed in accordance with the plans marked as Exhibit No. 75P of the record, except as such plans may be modified to

conform to the guidelines, conditions and standards of this Order.

2. The overall floor area ratio of the project shall be limited to 5.58, exclusive of roof structures and the Sumner School belfry and attic.
3. With regard to the Sumner School Building, the applicants shall re-point the building, clean the brick, stone and cast iron and repair or replace damaged or missing facade elements. The work performed shall be in accordance with the plans filed with the Commission on March 9, 1983, Exhibit No. 28, Drawings 8, 9, 10, and 11. The height of the restored Sumner School and the Sumner School Annex shall not exceed 75.62 feet.
4. The applicants shall dismantle and store all of the sound face brick, stone and sheet metal trim for the first fourteen feet on the M Street side of the Magruder School Building. The remainder of the building may be demolished by the applicants. However, the applicants shall, to the extent practicable, retrieve the decorative materials from the demolished portion of the building and use them in the reconstruction of the building. The front portion of the building shall be reconstructed with the original salvaged materials, to the extent practicable, which were dismantled. A new roof shall be provided which replicates the color and texture of the existing slate roof. The height of the Magruder School shall not exceed 54.58 feet.
5. The height of the highrise portion of the development shall not exceed 100 feet, excluding the penthouse. The height of the highrise wing of the development extending south to M Street shall not exceed ninety feet. The east-west facade above the ninety foot height shall be set back at least ten feet from the facade facing the north side of the court. The height of the penthouse shall not exceed 18.5 feet above the level of the roof upon which it is located.
6. The facade of the east-west wing of the highrise development shall contain grey-glass curtain wall facing M Street. The facade of the north-south wing of the highrise shall be finished in brick with stone trim. The north elevation shall be as shown on sheet 10F of Exhibit No. 75P.
7. Off-street parking for at least 145 automobiles shall be provided in the two-level underground garage. There shall be three spaces for service/delivery vehicles in the first level of the garage as shown on the plans marked as sheet 12A of Exhibit No. 75P and Attachment 7 of Exhibit No. 75C. The Metropolitan AME

Church may use the parking spaces in the building to serve church purposes if such spaces are not otherwise needed to serve the subject building.

8. There shall be three loading berths, two sharing access from the eastern alley and one having access from the northern alley, as shown on the plans marked as sheet 9C of Exhibit No. 75P and Attachment 6 of Exhibit No. 75C.
9. The applicants shall provide a five foot strip along the full depth of the subject property adjacent to the public alley which abuts the subject property to the east, as an easement to the Government of the District of Columbia. Such easement shall be in a form satisfactory to the Office of the Corporation Counsel, and shall be designed to effectively widen the existing ten foot wide public alley to a width of fifteen feet. All municipal codes and ordinances that apply to the publicly owned portion of the alley shall also apply to the portion of the alley which is provided by easement.
10. The applicants shall install an appropriate protective device along the rear portion of the Jefferson Hotel located in the vicinity of the alley as shown on sheet 9C of Exhibit No. 75P, to guard against potential damage to the property from loading and unloading maneuvering in the alley, if so requested by the owners of the Jefferson Hotel.
11. The use of the development shall be restricted to the uses permitted in the C-2 District, except that the following uses, normally permitted in a C-2 District, shall not be allowed to locate in this development:
 - A. Frozen food locker;
 - B. Laundry, self-service;
 - C. Laundry or dry cleaning establishment;
 - D. Newspaper distribution station;
 - E. Radio or television repairs;
 - F. Automatic ice delivery station;
 - G. Bicycle sales and repair;
 - H. Paint store;
 - I. Automobile laundry;
 - J. Billiard parlor or pool hall;

- K. Bowling alley;
- L. Funeral, mortuary, or undertaking establishment;
- M. Plumbing or heating shop;
- N. Public bath, physical culture, or health services;
- O. Radio or television broadcasting studio and antenna tower in conjunction therewith;
- P. Streetcar or bus passenger depot;
- Q. Auction house;
- R. Automobile accessories sales;
- S. Automobile and truck sales;
- T. Boat or other marine sales;
- U. Department store
- V. Display stand or store for mail order sales;
- W. Pet shop;
- X. Gasoline service station.

In addition, a printing, lithographing or photo-engraving establishment shall also be allowed.

- 12. Signs for retail establishments facing on M Street shall be provided on the inside of the glass. Signs for retail establishments facing on the two courts also shall be provided on the inside of the glass and shall be restricted to the band above the doors. No individual sign shall exceed the dimensions of two feet by five feet.
- 13. Landscaping shall be provided and maintained in accordance with the plan on file marked as Attachment 4 of Exhibit No. 75C. The planter boxes containing two large Saucer Magnolia trees in the two courts shall have a net soil depth of at least four feet. Three additional benches shall be provided along the east wall of the east court adjacent to the doors which provide access to the retail space in that portion of the building.
- 14. Lighting shall be provided in accordance with the plan marked as Attachment 5 of Exhibit No. 75C. Additional lighting standards or fixtures may be provided in the two courts.

15. The change in zoning from SP-2 to C-4 shall be effective upon recordation of a covenant as required by Sub-section 7501.8 of the Zoning Regulations.
16. No building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the office of the Corporation Counsel and the Zoning Regulations Division, which covenant shall bind the applicant and successors in title to construct on and use this property in accordance with this Order, or amendments thereof, of the Zoning Commission. When the covenant is recorded, the applicant shall file a certified copy of that covenant with the records of the Zoning Commission.
17. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within three years of the effective date of this Order.

Vote of the Zoning Commission taken at the public meeting held June 20, 1983: 5-0 (Commissioners John G. Parsons, Walter B. Lewis and Lindsley Williams to approve with conditions, and Commissioners George M. White and Maybelle T. Bennett to approve by absentee vote).

This order was adopted by the Zoning Commission at its public meeting held on July 18, 1983 by a vote of 5-0 (Commissioners Walter B. Lewis, George M. White, John G. Parsons and Lindsley Williams to adopt as amended - Maybelle T. Bennett to adopt by absentee vote).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on AUG - 5 1983.

This amendment to the Zoning Map shall not be effective until the covenant required by Article 75 of the Zoning Regulations is recorded in the land records of the District of Columbia.



LINDSLEY WILLIAMS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat